

Joint Standing Committee on Human Resources

LD 134 **An Act to Amend the Laws Regarding the Maine Public Drinking Water Commission**

PUBLIC 581

Sponsor(s)
WHITCOMB

Committee Report
OTP-AM

Amendments Adopted
H-746

LD 134, a bill carried over from the First Regular Session, proposed to exempt small businesses with fewer than 5 employees or with a net income of less than \$15,000 from the fees collected by the Department of Human Services for deposit into the Public Drinking Water Fund. The original title of the bill was “An Act to Exempt Certain Small Businesses from Paying the Annual Fee to the Public Drinking Water Fund.”

Committee Amendment "A" (H746) is the Majority Report. It replaced the bill and substituted a new title. It proposed to replace the requirement that the Maine Public Drinking Water Commission members be employed by certain drinking water systems with a requirement that they be associated with those same systems. In the provision on duties of the commission, it would have changed the duty of determining program effort to a duty to evaluate program effort and would have changed the standard of performing the duty of determining funding share for each type of public water system from a reflection of program effort to one that recognizes the level of program effort. It would have deleted provisions on the collection of fees by drinking water systems that require the Drinking Water Fund fees to be separately identified on the customer's bill. It proposed to change the base fee to no more than \$50 and retain the base plus per capita maximum fee at \$30,000 per year.

Enacted law summary

Public law 1995, chapter 581 comprises the provisions from Committee Amendment A. It changes the title of the bill. It replaces the requirement that Maine Public Drinking Water Commission members be employed by certain drinking water systems with a requirement that they be associated with those same systems. In the provision on duties of the commission, it changes the duty of determining program effort to a duty to evaluate program effort and changes the standard of performing the duty of determining funding share for each type of public water system from a reflection of program effort to one that recognizes the level of program effort. It deletes provisions on the collection of fees by drinking water systems that require the Drinking Water Fund fees to be separately identified on the customer's bill. It changes the base fee to no more than \$50 and retains the base plus per capita maximum fee at \$30,000 per year.

LD 271 **An Act to Establish an Electronic Benefit Transfer System for Programs Administered by State Government**

PUBLIC 675

Sponsor(s)
MORRISON

Committee Report
OTP-AM

Amendments Adopted
H-842

LD 271, a bill carried over from the First Regular Session, proposed to establish an electronic benefit delivery program for the delivery of benefits by automated means to recipients of the Aid to Families with Dependent Children, food stamps, Medicaid and the Women, Infants and Children Special Supplemental Food programs. An electronic benefit delivery program would enable program recipients to use encoded cards to withdraw benefits from automated teller and

point of service machines on a periodic basis. The bill would have required the Department of Human Services to apply for a waiver to establish the electronic benefit delivery program and would have required that program to be implemented within 90 days of receipt of the waiver. It would have required a report by January 1, 1996, by the Department of Human Services to the Joint Standing Committee on Human Resources on progress in implementing the program. The original title of the bill was “An Act to Establish an Electronic Benefit Delivery Program for Aid to Families with Dependent Children, Food Stamp, Women, Infants and Children Special Supplemental Food and Medicaid Programs.”

Committee Amendment "A" (H- 842) is the Majority Report. It replaced the bill. It proposed to remove the waiver application date of October 20, 1995 for the electronic benefit delivery program and authorize the Department of Human Services to establish an electronic benefit transfer system. It would have allowed for participation in the electronic benefit transfer system by departments other than the Department of Human Services and for programs in addition to Aid to Families with Dependent Children, food stamps and Medicaid. It would have removed the Women, Infants and Children Special Supplemental Food Program from the participating programs. It proposed to change the date for the report to the Joint Standing Committee on Human Resources from January 1, 1996 to January 1, 1997. It would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 675 comprises the provisions of Committee Amendment A. It changes the title of the bill. It authorizes the Department of Human Services to establish an electronic benefit transfer system for delivery of benefits under the Medicaid, food stamps and AFDC programs. It allows for participation in the electronic benefit transfer system by other departments and for other programs. It requires a report to the Joint Standing Committee on Human Resources on January 1, 1997.

LD 974 An Act to Create an Advisory Board and State and Local ONTP
Interagency Teams to Assist in the Provision of Care for
Children and Adolescents with Severe Emotional Disturbance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITZPATRICK	ONTP	

LD 974, a bill carried over from the First Regular Session, proposed to require that a program of integrated case management and services be provided for children and adolescents with severe emotional disturbance. It would have established the State Interagency Team and several local interagency teams to direct and facilitate the delivery of the integrated services. Under the bill, the Commissioner of Mental Health and Mental Retardation, the Commissioner of Education, the Commissioner of Corrections and the Commissioner of Human Services would have been directed, as members of the Interdepartmental Council, to cooperate in the delivery of integrated services, and an advisory committee for the council would have been created.

LD 1601 An Act to Allow Physicians' Offices to Receive Discounts PUBLIC 548
from Pharmaceutical Manufacturers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON	OTP-AM	H-725

LD 1601 proposed to exempt intravenous ("IV") drugs dispensed at physicians' offices from the laws prohibiting price discrimination among wholesalers and purchasers by a prescription drug manufacturer.

Committee Amendment "A" (H/25) is the Majority Report. It replaced the bill. It would have created an exception to the nondiscrimination in pharmaceutical pricing laws for parenterally administered oncologic drug products administered at medical office sites. It would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 548 comprises the provisions from the Committee Amendment. It creates an exception to the nondiscrimination in pharmaceutical pricing laws for parenterally administered oncologic drug products administered at medical office sites.

LD 1604 An Act Requiring the Department of Human Services to Reimburse Nursing Home Facilities from Initial Medicaid Eligibility ONTP

Sponsor(s)
BIRNEY
HANLEY

Committee Report
ONTP

Amendments Adopted

LD 1604 proposed to require the Department of Human Services to reimburse a nursing facility for services it provides to an individual during all periods of time that the individual has been determined to be both medically and financially eligible for Medicaid coverage. See also LDs 1730 and 1806.

**LD 1644 An Act to Amend the Hospital Cooperation Act of 1992 to Facilitate Integrated Health Care Delivery Systems by Authorizing and Supervising Certain Hospital Mergers PUBLIC 583
EMERGENCY**

Sponsor(s)
AMERO

Committee Report
OTP-AM

Amendments Adopted
S-533

LD 1644 proposed to provide for state supervision of certain hospital mergers by allowing hospitals proposing to merge to file an application for a certificate of public advantage under the Hospital Cooperation Act of 1992. The bill would have authorized the Department of Human Services, in conjunction with the Department of Attorney General, to attach conditions pertaining to quality, access and cost to a certificate granted in the case of a merger. The bill would have established procedures to ensure compliance by providing for enforcement of conditions attached to a certificate pertaining to a merger.

Committee Amendment "A" (S/33) is the Majority Report. It proposed to replace the bill. It would have authorized and provided for state review and supervision of certain hospital mergers by allowing hospitals proposing to merge to file an application for a certificate of public advantage under the Hospital Cooperation Act of 1992. It would have authorized the Department of Human Services, in conjunction with the Department of the Attorney General under certain circumstances to attach conditions pertaining to quality, access and cost to any

certificate granted under the Hospital Cooperation Act of 1992 to ensure compliance with the conditions attached to a certificate. It would have added to the list of potential benefits and disadvantages that the department must consider in determining whether to grant or deny a certificate of public advantage.

The amendment would have added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 583 comprises the provisions of Committee Amendment A. It replaces the bill. It authorizes and provides for state review and supervision of certain hospital mergers by allowing hospitals proposing to merge to file an application for a certificate of public advantage under the Hospital Cooperation Act of 1992. It authorizes the Department of Human Services, in conjunction with the Department of the Attorney General under certain circumstances to attach conditions pertaining to quality, access and cost to any certificate granted under the Hospital Cooperation Act of 1992 to ensure compliance with the conditions attached to a certificate. It adds to the list of potential benefits and disadvantages that the department must consider in determining whether to grant or deny a certificate of public advantage.

Through a system of stateprescribed and stateenforced review and supervision, the Hospital Cooperation Act of 1992 is intended to displace the State's antitrust laws for transactions for which a certificate has been issued and also allows hospitals that receive a certificate to qualify for the "state action" exception to federal antitrust laws.

Public Law 1995, chapter 583 takes effect April 1, 1996.

LD 1646 An Act to Establish the Freeport Towne Square Mental Retardation Facility

PUBLIC 550

Sponsor(s)
HARTNETT
HARRIMAN

Committee Report
OTP-AM

Amendments Adopted
H-709

LD 1646 would have established Freeport Towne Square, a facility for persons with mental retardation, as a separate and distinct entity. Historically, this facility was incorporated as part of the Pineland Center.

Committee Amendment "A" (H709) is the Majority Report. It proposed to replace the term "director" in the bill with the term "manager," to delete the appointment provision and thereby to eliminate the need for a fiscal note.

Enacted law summary

Public Law 1995, chapter 550 comprises the provisions of the Committee Amendment. It establishes the Freeport Towne Square as a state facility, managed by a manager.

**LD 1673 An Act to Require the Department of Human Services to
Provide Notice and Hearing in Cases Involving Denial
of the Application of the Charity Care Guidelines**

PUBLIC 596

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-482

LD 1673 proposed to provide that an affiliate of a hospital is required to follow the same charity care guidelines that a hospital must follow. The bill would have required the Department of Human Services to include provisions for public notice and a fair hearing for questions relating to eligibility for charity care. It would have required that health care services provided at a hospital or affiliated interest to a person who meets the charity care guidelines may not be billed to the patient or to a municipality.

Committee Amendment "A" (S482) is the Majority Report. It replaced the bill. It proposed to remove from the bill all provisions relating to the extension of the charity care guidelines to hospital affiliates and the provision on balance billing. It would have retained the provision requiring the Department of Human Services to adopt a fair hearing process. It would have added a fiscal note.

Enacted law summary

Public Law 1995, chapter 596 comprises the provisions of the Committee Amendment. It requires the Department of Human Services to adopt a fair hearing process for questions of application of the charity care guidelines. See also LD 1788, enacted as Public Law 1995, chapter 653, which repeals and reenacts the guidelines effective December 31, 1996.

**LD 1689 Resolve, That the Department of Human Services Convene a
Task Force on Paperwork Reduction in Nursing Facilities**

RESOLVE 71
EMERGENCY

Sponsor(s)
HARRIMAN
HARTNETT

Committee Report
OTP-AM

Amendments Adopted
S-514

LD 1689 had an original title of Resolve, Directing the Department of Human Services to Take Steps to Reduce the Regulation of Nurses Providing Care to Nursing Home Residents. It proposed to accomplish the following:

1. Provide that the Department of Human Services may require only one type of form from resident nursing facility services for patient assessment, and require the department to adapt the Minimum Data Set Plus, or "MDS+," form to incorporate the information currently provided through the MED-94 form;
2. Prohibit the Department of Human Services from requiring providers of resident nursing facility services to complete MDS+ forms more frequently than such documentation is required by federal regulations;
3. Prohibit the Department of Human Services from requiring providers of resident nursing facility services to generate entirely new MDS+ forms to correct errors or omissions; and

4. Require the Department of Human Services to conform case mix reviewers' definitions for the MDS+ forms with standard medical definitions.

Committee Amendment "A" (§514) is the Majority Report. It replaced the bill. It would have changed the title to "Resolve, That the Department of Human Services Convene a Task Force on Paperwork Reduction in Nursing Facilities" with a stated purpose of studying the problem of paperwork required for patient assessment, care and reimbursement in nursing facilities, the needs of the patient and family, the nursing and professional staff of the nursing facility, the Department of Human Services and any other interested party and searching for methods of meeting the legitimate needs of all parties in the most efficient and efficacious manner possible. By April 1, 1996, the Commissioner of Human Services would have been required to name the members of the task force, which would have been required to meet by April 15, 1996 and as necessary to accomplish its duties. The task force would have been required to submit to the Joint Standing Committee on Human Resources an interim report by July 15, 1996 and a final report by November 15, 1996. The amendment would have added a fiscal note.

Enacted law summary

Resolve 1995, chapter 71 comprises the provisions of the Committee Amendment. It establishes the Task Force on Paperwork Reduction in Nursing Facilities with a stated purpose of studying the problem of paperwork required for patient assessment, care and reimbursement in nursing facilities, the needs of the patient and family, the nursing and professional staff of the nursing facility, the Department of Human Services and any other interested party and searching for methods of meeting the legitimate needs of all parties in the most efficient and efficacious manner possible. By April 1, 1996, the Commissioner of Human Services is required to name the members of the task force, which is required to meet by April 15, 1996 and as necessary to accomplish its duties. The task force must submit to the Joint Standing Committee on Human Resources an interim report by July 15, 1996 and a final report by November 15, 1996. The final report must contain suggestions for changes in rules and the necessary legislation to accomplish the recommendations of the task force.

Resolve 1995, chapter 71 takes effect April 3, 1996.

**LD 1704 An Act Redefining the Community Services Structure of the
Mental Health System**

PUBLIC 691

Sponsor(s)
PENDEXTER

Committee Report
OTP-AM

Amendments Adopted
S-562

LD 1704 would have repealed language from Public Law 1995, chapter 395 that authorized the transfer of positions and funding from the Augusta Mental Health Institute budget as needed for reassignment to establish local mental health authority districts.

Committee Amendment "A" (§562) is the Majority Report. It proposed to retain section 1 of the bill and add to it. It would have created local quality improvement councils consisting of consumers of publicly funded mental health services, families, parents of minor consumers, service providers and community members. The quality improvement councils would have operated in 7 regions of the State and for the Augusta Mental Health Institute and the Bangor Mental Health Institute. Each council would have included a local service network made up of providers of publicly funded mental health services in the area. Each council would have sent a representative to a statewide quality improvement council. It would have required that the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services report to the Joint Standing

Committee on Health and Human Services by January 1, 1997 and by January 1, 1998 on the operation of the councils and networks and include recommendations for improving the operations and any legislation necessary to accomplish those purposes.

The amendment would have abolished the Southern Maine Regional Mental Health Board on June 30, 1996. It would have given members of that board first option in serving on the quality improvement councils.

The amendment would have authorized the Department of Mental Health, Mental Retardation and the Substance Abuse Services to use revenue received from Maximus initiatives for children's services and to meet the purposes of the consent decree.

The amendment would have changed the request for proposal procedures in the Maine Revised Statutes, Titles 5, 22 and 34-B to shorten the time necessary to notify potential bidders and current providers that a service may be put through a request-for-proposal process, and to shorten the time between the deadline for notification of intent and the request-for-proposal due date to a length that allows sufficient time for potential bidders to respond. The original intent of request-for-proposal laws would have remained unchanged.

The amendment would have added an emergency preamble, emergency clause, an allocation and a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 691 comprises the provisions of the Committee Amendment. It repeals language from Public Law 1995, chapter 395 that authorized the transfer of positions and funding from the Augusta Mental Health Institute budget as needed for reassignment to establish local mental health authority districts. It creates local quality improvement councils consisting of consumers of publicly funded mental health services, families, parents of minor consumers, service providers and community members. The quality improvement councils will operate in 7 regions of the State and for the Augusta Mental Health Institute and the Bangor Mental Health Institute. Each council will include a local service network made up of providers of publicly funded mental health services in the area. Each council will send a representative to a statewide quality improvement council. It requires that the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1, 1997 and by January 1, 1998 on the operation of the councils and networks and include recommendations for improving the operations and any legislation necessary to accomplish those purposes.

The law abolishes the Southern Maine Regional Mental Health Board on June 30, 1996. It gives members of that board first option in serving on the quality improvement councils.

The law authorizes the Department of Mental Health, Mental Retardation and the Substance Abuse Services to use revenue received from Maximus initiatives for children's services and to meet the purposes of the consent decree.

The law changes the request for proposal procedures in the Maine Revised Statutes, Titles 5, 22 and 34-B to shorten the time necessary to notify potential bidders and current providers that a service may be put through a request-for-proposal process, and to shorten the time between the deadline for notification of intent and the request-for-proposal due date to a length that allows sufficient time for potential bidders to respond.

Public Law 1995, chapter 691 takes effect April 11, 1996.

LD 1716 An Act to Allow the Department of Human Services to Release the Names of Individuals Who Receive Welfare Benefits as a Result of Serious, False Misrepresentation ONTP

<u>Sponsor(s)</u> BUSTIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1716 proposed to allow the Department of Human Services, in response to a request, to release the name of an obligor and the amount of any overpayment to that obligor if the obligor has been determined to have received an overpayment under the food stamp program or the Aid to Families with Dependent Children program, the overpayment is the result of serious, false misrepresentation by the obligor and a court action with regard to the overpayment has been filed.

This bill would have allowed municipalities, in response to a request, to release the name of a recipient of general assistance and the amount of any overpayment to that recipient if it had been determined that the recipient obtained assistance by serious, false misrepresentation and if a determination had been made that a recipient is required to reimburse the municipality.

**LD 1730 An Act to Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition PUBLIC 687
EMERGENCY**

<u>Sponsor(s)</u> PINGREE TREAT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-557 S-578
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LD 1730 proposed to require the Department of Human Services to adopt rules amending the Medical Eligibility Determination form and Chapter 67 of the Maine Medical Assistance Manual so that applicants for Medicaid reimbursement for nursing facility care would have been evaluated based on their entire medical and social condition for 30 days prior to the assessment and so that nursing needs would have been recognized if they had been required on 3 or more days during any 14-day period in the 30 days prior to the assessment. See also LDs 1604 and 1806.

Committee Amendment "A" (§557) is the Majority Report. It replaced the bill. It would have required the Department of Human Services to adopt rules to begin using a 2nd assessment standard for persons with Alzheimer's disease and other dementias. The department would have begun using these new assessment standards in addition to the MED'94 by May 1, 1996. Nursing facilities accepting persons found eligible using this assessment tool would have been required to train personnel in Alzheimer's disease and other dementias immediately in order to qualify for reimbursement from the State. By July 1, 1997, the department would have been required to adopt standards for treatments, services and settings to meet the needs of individuals who have Alzheimer's disease and other dementias.

This amendment proposed to require the Department of Human Services to report to the joint Standing Committee on Health and Human Services by January 15, 1997, on the extent to which the supplemental assessment tool has expanded medical eligibility for nursing facility care to include persons with Alzheimer's disease or similar dementias. The amendment would have added a fiscal note and appropriation and allocation sections.

Senate Amendment "A" To Committee Amendment "A" (~~578~~) proposed to remove the appropriation and allocation sections in Committee Amendment "A" since funding was provided in L.D. 1759 (the supplemental budget), enacted as Public Law 1995, chapter 665.

Enacted law summary

Public Law 1995, chapter 687 comprises the provisions of Committee Amendment A and Senate Amendment A. It requires the Department of Human Services to adopt rules to begin using a 2nd assessment standard for persons with Alzheimer's disease and other dementias. The department will begin using these new assessment standards in addition to the MED'94 by May 1, 1996. Nursing facilities accepting persons found eligible using this assessment tool will be required to train personnel in Alzheimer's disease and other dementias immediately in order to qualify for reimbursement from the State. By July 1, 1997, the department will adopt standards for treatments, services and settings to meet the needs of individuals who have Alzheimer's disease and other dementias.

The Department of Human Services is required to report to the Joint Standing Committee on Health and Human Services by January 15, 1997, on the extent to which the supplemental assessment tool has expanded medical eligibility for nursing facility care to include persons with Alzheimer's disease or similar dementias.

Public Law 1995, chapter 687 takes effect April 11, 1996.

LD 1731 An Act to Amend the Mass Gathering Laws

ON'

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP MAJ	
KNEELAND	OTP-AM MIN	

LD 1731 proposed to make the following changes to the laws regulating mass outdoor gatherings:

1. Provide that for the purpose of determining whether a gathering is a mass outdoor gathering, a person staying, camping or otherwise temporarily residing on property next to the property of the gathering is considered to be attending the gathering;
2. Establish a process for the issuance of a mass outdoor gathering permit, including the requirement that an application for a permit be submitted no later than 120 days before the gathering; and
3. Provide that the requirement for a bond does not preclude a person from obtaining personal liability insurance for the gathering.

Committee Amendment "A" (~~8479~~) is the Minority Report. It proposed to shorten from 120 days in the bill to 60 days the time period for submitting a mass gathering permit application and shorten in proportion the time periods for response, resubmission and decision. (Not adopted.)

**LD 1743 An Act to Establish Consistency between Federal and State
Drinking Water Laws**

PUBLIC 622

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-785

LD 1743 proposed to make the state drinking water laws consistent with the federal Safe Drinking Water Act as required to maintain primacy. It would have made changes to the public notification section of the Maine Revised Statutes, Title 22, section 2615 to ensure the drinking water program's ability to enforce the current federal public notification rule, as adopted into the program's rules by reference. It would have changed the emergency powers of the drinking water program to initiate action under the Maine Revised Statutes, Title 22, section 2613. The drinking water program currently has adopted by rule procedures for the issuance of ~~boil~~ water orders under section 2614. The bill would have established procedures for the issuance of ~~boil~~ water orders.

Committee Amendment "A" (H785) is the Majority Report. It proposed to replace sections 4 to 6 of the bill. It would have made the ~~boil~~ water requirements of state law consistent with federal requirements. It would have clarified the requirements for form and timing of notification of a ~~boil~~ water order.

Enacted law summary

Public Law 1995, chapter 622 comprises the provisions of the bill and the Committee Amendment. It makes grammatical corrections in the Safe Drinking Water Act. It removes the provision that exemptions for public drinking water systems may not extend past 7 years while retaining the requirement that an expeditious compliance schedule be established. It allows multi-year renewable exemptions. It defines “boil-water order” and provides for boil-water orders in a manner that is consistent with federal law. It specifies the requirements for notification to the public and requires the Commissioner of Human Services to adopt rules regarding public notification of boil-water orders.

**LD 1764 An Act to Ensure the Proper and Humane Care of Persons
Requiring Mental Health Services**

PUBLIC 697
EMERGENCY

Sponsor(s)
MITCHELL JE

Committee Report
OTP-AM

Amendments Adopted
H-769
S-582

LD 1764 proposed to require that any money identified as savings due to the closure of a state mental health facility or a diminution of services at any such facility be used to provide the services in other appropriate settings and programs.

Committee Amendment "A" (H769) is the Majority Report. It proposed to extend the bill to cover administrative savings within the Department of Mental Health and Mental Retardation, so that those savings would have been directed to pay for mental health services. The amendment would have added a fiscal note.

Senate Amendment "A" (S582) proposed to specify that the savings identified in the Maine Revised Statutes, Title 34B, section 3009 (the provision of law that would have been enacted in the bill) means net General Fund savings generated through legislative or departmental actions less any cost or liability from implementing those actions.

Enacted law summary

Public Law 1995, chapter 697 comprises the provisions of the bill, Committee Amendment “A” and Senate Amendment “A”. The law is intended to ensure that persons in need of mental health services continue to have access to those services by requiring that any money identified as savings due to the closure of a state mental health facility or a diminution of services at any such facility and any money from administrative savings at the Department of Mental Health, Mental Retardation and Substance Abuse Services be used to provide the services in other appropriate settings and programs. The law defines these savings as net General Fund savings generated through legislative or departmental actions less any cost or liability from implementing those actions.

Public Law 1995, chapter 697 takes effect April 11, 1996.

LD 1772 An Act to Create a Uniform Health Information System ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

LD 1772 is one of the bills reported to the Legislature by the Health Care Reform Commission. It contains some provisions that are also contained in LD 1788. See also LD 1788. The bill proposed to do the following:

1. Part A would have established the Maine Health Data Organization, ~~an~~ independent state agency to oversee and coordinate health collection activities and collect, edit and store statewide health data resources. Part A would have granted the Maine Health Data Organization authority to collect health data from all health care facilities and practitioners providing health services, including pharmacists and health product vendors. The Maine Health Data Organization would be required to collect utilization data, coordinate population surveys with the needs of both public and private sectors and oversee the collection of workforce data through surveys conducted by licensing boards. Part A also proposed to assess carriers and insurance administrators as a mechanism for funding the Maine Health Data Organization.
2. Part B would have required the Commissioner of Professional and Financial Regulation to cooperate with the Maine Health Data Organization's data collection activities and to require the cooperation of the health care practitioner licensing boards within and affiliated with the Department of Professional and Financial Regulation. Part B also would have required the Commissioner of Human Services to cooperate with the Maine Health Data Organization's data collection activities.
3. Part C would have allowed the board members for the Maine Health Data Organization to be reimbursed for their expenses.
4. Part D would have amended the licensing statutes for all health care practitioners to provide that repeated and intentional failure to comply with the data collection requirements is grounds for terminating a health care practitioner's license.

See LD 1788, a related bill, which was enacted as Public Law 1995, chapter 653 and which establishes the Maine Health Data Organization as of December 31, 1996 or at such earlier date as the entity becomes operational.

LD 1773 An Act to Ensure the Continued Stability of Services for PUBLIC 685

Persons with Mental Retardation

EMERGENCY

Sponsor(s)
FITZPATRICK

Committee Report
OTP-AM

Amendments Adopted
H-906
S-566

LD 1773 proposed to provide a 2part mechanism for the payment of premiums for workers' compensation insurance carried by private agencies providing services to individuals with mental retardation beginning July 1, 1996. It would have required the Superintendent of Insurance to review the establishment of a special classification for workers at these facilities and to report by September 1, 1996 to the banking and insurance and human resources committees.

Committee Amendment "A" (H906) is the Majority Report. It replaced the bill. It proposed to remove from the bill the provisions requiring the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure that private agencies providing mental retardation services under contract have loss prevention programs in place. It would have removed the portion of the bill requiring a report on special classifications for workers' compensation insurance. It would have added reimbursement criteria that depend on an agency's workers' compensation experience modification rating and that provide incentives to provide a safe workplace.

The amendment would have added an appropriation and a fiscal note.

Senate Amendment "A" To Committee Amendment "A" (S56) would have added an emergency clause at the end of the committee amendment.

Enacted law summary

Public Law 1995, chapter 566 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". The law provides a means for the Department of Mental Health, Mental Retardation and Substance Abuse Services to encourage private agencies providing mental retardation services under contract to have loss prevention programs in place. It provides reimbursement criteria that depend on an agency's workers' compensation experience modification rating and that provide incentives to provide a safe workplace. Agencies with ratings below 1.0 must be paid 1/2 of any cost decrease. Agencies that have ratings of 1.0 to 1.39 must be paid the full amount of any cost decrease if they have loss prevention plans. Agencies that have ratings of 1.4 or greater must be paid 1/2 of the cost increase if they have loss prevention plans.

Public Law 1995, chapter 685 takes effect April 11, 1996.

LD 1784 An Act to Amend the Home Health Laws

PUBLIC 620

Sponsor(s)
WINGLASS

Committee Report
OTP

Amendments Adopted

LD 1784 proposed to allow the Department of Human Services to establish a receivership situation for a home health care provider similar to that which is already used for other providers, such as nursing homes. The receivership would have allowed the department to take action against a provider who had committed a serious violation, while still allowing the service to continue to be provided to the clients of the home health care provider. This bill would have

required certified nursing assistants working for a home health care provider to be listed on the certified nursing assistant's registry in order to protect the public.

Enacted law summary

Public Law 1995, chapter 620 was enacted as printed in the original bill. The law allows the Department of Human Services to establish a receivership situation for a home health care provider similar to that which is already used for other providers, such as nursing homes. A receivership allows the department to take action against a provider who has committed a serious violation, while still allowing the service to continue to be provided to the clients of the home health care provider. The law also requires certified nursing assistants working for a home health care provider to be listed on the certified nursing assistant's registry in order to protect the public.

LD 1788 An Act to Establish the Maine Health Data Organization

PUBLIC 653
EMERGENCY

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-909

LD 1788 was the report to the Legislature of the Task Force to Monitor Deregulation of Hospitals. It's original title was "An Act to Implement the Recommendations of the Task Force to Monitor Deregulation of Hospitals." A bill containing somewhat similar provisions also considered by the committee was LD 1722, from the Maine Health Care Reform Commission. LD 1788 proposed to enact the following provisions.

1. Part A of the bill proposed to establish the Maine Health Data Organization, an independent executive organization to oversee and coordinate the collection and analysis of health care data. The bill would have enacted provisions to ensure that the Maine Health Data Organization has the authority to collect health data from all health care facilities, ~~third~~ party payor, managed care organizations and practitioners providing health services, including pharmacists and health product manufacturers. The bill would have required the Maine Health Data Organization to collect and analyze clinical, financial and restructuring data. The bill also proposed a mechanism of funding, including assessments and user fees, for the Maine Health Data Organization. The bill proposed the transition provision necessary to ensure continuation of the data collection and analysis functions of the Maine Health Care Finance Commission until such time as the new organization becomes operational, as determined by the board or December 31, 1996, whichever is earlier.

Part A of the bill would have required the Department of Human Services to adopt rules to create a fair hearing mechanism for resolution of disputes over eligibility determinations for charity care. This provision was also contained in LD 1673, which was enacted as Public Law 1996, chapter 596, but which takes effect before the effective date of this law. See enacted law summaries of this bill and LD 1673.

2. Part B of the bill proposed changes recommended by the Maine Health Care Reform Commission to repeal the commission's cost containment functions, as was also recommended by the Task Force to Monitor Deregulation of Hospitals.

3. Part C of the bill would have corrected cross-references that need to be changed due to the recommendations of the Maine Health Care Reform Commission.

Committee Amendment "A" (H909) is the Majority Report. It replaced the bill. It proposed to change the title. It proposed to make technical changes to the bill and to

1. Repeal and reenact charity care guidelines provisions and corrects 2 cross-references. With regard to the charity care guidelines, note that this repeal and reenactment takes effect December 31, 1996;
2. Clarify the provisions on enforcement by the Maine Health Data Organization;
3. Provide a maximum assessment of \$775,000 for the operation of the Maine Health Data Organization until June 30, 1997;
4. Add 3rd-party payors to the potential payors of the assessments to permanently fund the Maine Health Data Organization;
5. Abolish the Maine Health Care Finance Commission on December 31, 1996 and provide that it terminate operations at such earlier date as the data organization begins operation;
6. Enact provisions requiring the Department of Human Services to draft a comprehensive health plan and to convene an annual health workforce forum;
7. Provide appropriations and allocations necessary to support the Maine Health Care Finance Commission until December 31, 1996, at the latest, and the Maine Health Data Organization from its beginning until June 30, 1997; and
8. Add a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 653 comprises the provisions of the Committee Amendment. It changes the title of the bill. It establishes the Maine Health Data Organization. The law makes technical changes in existing law and does the following.

1. It repeals and reenacts provisions regarding application of the charity care guidelines and corrects 2 cross-references. (See also LD 1673, which was enacted as Public Law 1995, chapter 596, and which takes effect prior to this law. By that law it will be amended, and then on December 31, 1996, this law will repeal and reenact the charity care guidelines.)
2. It clarifies the provisions on enforcement by the Maine Health Data Organization.
3. It provides a maximum assessment of \$775,000 for the operation of the Maine Health Data Organization until June 30, 1997.
4. It provides that providers of health care, including hospitals, and 3rd-party payors are potential payors of the assessments to permanently fund the Maine Health Data Organization. It requires that fees and assessments to support the Health Data Organization receive prior legislative approval. It allows reasonable user fees on a sliding scale for the right to access and use health data and information, with a waiver for the Department of Human Services and the Bureau of Insurance.
5. It abolishes the Maine Health Care Finance Commission on December 31, 1996 or at such earlier date as the Health Data Organization begins operation.

6. It enacts provisions requiring the Department of Human Services to draft a comprehensive health plan and to convene an annual health workforce forum.

7. It provides appropriations and allocations necessary to support the Maine Health Care Finance Commission until December 31, 1996, at the latest, and the Maine Health Data Organization from its beginning until June 30, 1997.

Enacted as an emergency, Public Law 1995, chapter 653 contains a number of effective dates (the earliest of which is April 10, 1996), depending on the specific provisions involved. See also LD 1722 and 1673.

**LD 1795 An Act to Clarify the Laws Pertaining to the Regulation of
Narcotic Dependency Treatment Programs**

PUBLIC 621

Sponsor(s)
AULT

Committee Report
OTP-AM

Amendments Adopted
H-841

LD 1795 proposed to clarify the laws regulating narcotic dependency treatment programs. The bill would have made minor technical changes to provisions dealing with the distribution of and accounting for controlled substances. The bill would have clarified that the Director of the Office of Substance Abuse may not authorize employment of persons who have been convicted of felonies and drug offenses within treatment programs unless the potential employee had obtained the necessary federal waivers. The bill would have repealed a section of law that restricts physicians from using certain drugs for legitimate medical purposes and an unnecessary provision from the pharmacy laws.

Committee Amendment "A" (H841) is the Majority Report. It proposed to amend section 2 of the bill and add a fiscal note. It would have added conditions to the authorization of the Director of the Office of Substance Abuse to grant an exception to the prohibition on treatment programs employing persons who have been convicted of felonies and drug offenses.

Enacted law summary

Public Law 1995, chapter 621 comprises the provisions of the bill and the Committee Amendment. It clarifies language on the distribution and accounting for scheduled drugs. It adds conditions to the authorization of the Director of the Office of Substance Abuse to grant an exception to the prohibition on treatment programs employing persons who have been convicted of felonies and drug offenses. It repeals provisions of law restricting the possession, receipt and dispensing of scheduled or prescription drugs and controlled substances that are duplicative of restrictions contained elsewhere in Maine law. It repeals provisions contained in the Pharmacy Act regarding the investigation of complaints that are duplicative of provisions contained elsewhere in Maine law.

LD 1806 An Act to Promote Choice and Quality in Long-term Care

PUBLIC 696
EMERGENCY

Sponsor(s)
PENDEXTER
TOWNSEND

Committee Report
OTP-AM

Amendments Adopted
S-563

LD 1806 contains the long-term care initiative of Governor King. For related bills, see also LD 1604, 1730 and 1835. See also LD 1759, the supplemental budget enacted in 1996, which was enacted as Public Law 1995, chapter 665, Parts A and KK. The bill proposed the following:

1. To increase the penalties for assault against and misuse of entrusted property of victims 60 years of age or older and provide a broader definition of a "fiduciary" against whom a charge of misuse of entrusted property may be brought;
2. To streamline the regulatory process under the Maine Certificate of Need Act and eliminate outdated or unnecessary requirements. The bill also would have removed home health agencies from review in order to eliminate regulatory barriers to the establishment of additional home care resources.
3. To streamline the reporting of abuse, neglect and exploitation occurring within licensed facilities by eliminating duplication in reports from these facilities. The bill also would have expanded the Department of Human Services' access to records of licensed facilities when investigating reports of abuse, respect or exploitation. A technical amendment would have been made to the longterm care ombudsman program to reflect statutory changes from a previous legislative session having to do with the licensing of residential care facilities and ensuring that ombudsman staff and volunteers have access to adult family care homes licensed by the department. The bill also would have expanded the definition of the practice of professional nursing to include the coordination and oversight of patient care services provided by other unlicensed assistive personnel. The nursing provision is identical to a provision of LD 1835, enacted as Public Law 1995, chapter 670.

Committee Amendment "A" (§563) is the Majority Report. It replaced the bill and made it emergency legislation. It would have deleted those sections of the bill that raised the criminal penalties for certain assaults and misuse of entrusted property. In their place, the amendment would have required the Commissioner of Human Services to convene a study group to review reported crimes against the elderly and to identify barriers to successful prosecution. It would have deleted from the bill the statutory provisions on the long-term care ombudsman program because those sections are contained in the legislation from the Assisted Living Task Force in LD 1835, enacted as Public Law 1995, chapter 670.

The amendment would have required the Department of Human Services to seek authorization from the Legislature prior to implementing changes to the Medicaid program that would cause changes in enrollment of greater than 10% among categorically eligible groups or elimination of services covered on August 1, 1996.

The amendment would have created the Longterm Care Steering Committee to provide input to the Commissioner of Human Services on all policy initiatives, laws and rules concerning long-term care and assisted living. It would have required a report from the Commissioner of Human Services by January 1, 1997 to the Joint Standing Committee on Health and Human Services on the experience and progress of the department in developing adult family care homes.

The amendment would have provided an expedited review process for nursing facilities that have voluntarily reduced their licensed bed capacity. It also would have allowed the reopening (within 4 years, with a 4-year extension possible, of the date of the license reduction) of up to 100 voluntarily reduced beds per year through an expedited certificate of need process without the requirement of obtaining express approval from the Legislature.

The amendment would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 696 comprises the provisions of the Committee Amendment. It requires the Commissioner of Human Services to convene a study group to review reported crimes against the elderly and to identify barriers to successful prosecution. It streamlines the certificate of need provisions effective April 11, 1996.

Beginning August 1, 1996, the law requires the Department of Human Services to seek authorization from the Legislature prior to implementing changes to the Medicaid program that would cause changes in enrollment of greater than 10% among categorically eligible groups or elimination of services covered on August 1, 1996.

The law creates the Longterm Care Steering Committee to provide input to the Commissioner of Human Services on all policy initiatives, laws and rules concerning ~~long~~ care and assisted living. It requires a report from the Commissioner of Human Services by January 1, 1997 to the Joint Standing Committee on Health and Human Services on the experience and progress of the department in developing adult family care homes.

The law provides an expedited review process for nursing facilities that have voluntarily reduced their licensed bed capacity. It also allows the reopening (within 4 years, with one 4-year renewal possible, of the date of the license reduction) of up to 100 voluntarily reduced beds per year through an expedited certificate of need process without the requirement of obtaining the express approval from the Legislature.

The law does not enact provisions of the bill on the ~~long~~term care ombudsman program and the definition of professional nursing because those sections are contained in the legislation from the Assisted Living Task Force in LD 1835, enacted as Public Law 1995, chapter 670.

Public Law 1995, chapter 696 takes effect April 11, 1996.

LD 1812 An Act to Extend Health Care Coverage for Parents Leaving the Aid to Families with Dependent Children Program

PUBLIC 692

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
S-556

LD 1812 proposed to remove the one-year time limit for transitional medical benefits for families leaving the Aid to Families with Dependent Children program and extend benefits for 2 extra years. It would have directed the Department of Human Services to determine whether a waiver is necessary and, if so, to apply for the waiver or amend a pending or existing waiver. It would have directed the department to require the reporting of income or circumstances and the payment of premiums in the same manner as for transitional medical assistance.

Committee Amendment "A" (§556) is the Majority Report. It replaced the extended benefits provision of the bill. It would have established a 2-year extension of the transitional medical assistance program under Medicaid beginning February 1, 1997. It would have required the payment of premiums equal to 3% of a family's income, minus child care costs, beginning in the 7th month of transitional assistance for those entering the transitional medical assistance program on or after February 1, 1997 whose average gross monthly earnings less average monthly child care costs are more than 100% of the federal poverty guidelines. The amendment would have clarified current law establishing eligibility for the program at 185% of the federal poverty

guidelines. It would have given the department rulemaking authority with respect to premiums paid by those entering the transitional medical assistance program prior to February 1, 1997 and given the department rulemaking authority to change the reporting requirements of the program. It would have required the department to seek a waiver from the federal Department of Health and Human Services if necessary to achieve the purposes of the amendment.

The amendment would have added a fiscal note to the bill.

Enacted law summary

Public Law 1995, chapter 692 comprises the provisions of the Committee Amendment and the bill. The law establishes a 3-year extension of the transitional medical assistance program under Medicaid beginning February 1, 1997. It requires the payment of premiums equal to 3% of a family's income, minus child care costs, beginning in the 7th month of transitional assistance for those entering the transitional medical assistance program on or after February 1, 1997 whose average gross monthly earnings less average monthly child care costs are more than 100% of the federal poverty guidelines. It clarifies current law establishing eligibility for the program at 185% of the federal poverty guidelines. It gives the department rulemaking authority with respect to premiums paid by those entering the transitional medical assistance program prior to February 1, 1997 and gives the department rulemaking authority to change the reporting requirements of the program. It requires the department to seek a waiver from the federal Department of Health and Human Services if necessary to achieve the purposes of the law. Some provisions take effect February 1, 1997.

LD 1835 An Act to Provide for Assisted Living Services

PUBLIC 670

Sponsor(S)

Committee Report
OTP-AM

Amendments Adopted
S-544
S-552

LD 1835 is the report of the Assisted Living Task Force, a task force created by the First Regular Session of the 117th Legislature, in Public Law 1995, chapter 362. The bill proposed to enact a number of provisions, as follows.

1. Part A proposed to change to the statutes on residential care facilities and repeal and replace Maine Revised Statutes, Title 22, chapter 145A with chapter 1665, "Assisted Living Programs." The various types of assisted living programs are defined, including residential care facilities and congregate housing facilities, as are the types of services they may provide. This Part proposed to authorize the Commissioner of Human Services to adopt rules for assisted living programs in consultation with providers, advocates and consumer representatives. It would have made changes to the congregate housing services laws, extending the Act to cover younger adults with disabilities as well as the elderly. It proposed to eliminate the process of certification of congregate housing services programs, replacing it with a process of optional licensing for assisted living providers that offer personal care assistance and mandatory licensing for assisted living providers that offer personal care assistance including administration of medication and nursing services. It proposed to make changes to the licensing laws, set fees and set fire safety requirements.

2. Part B proposed to add assisted living facilities to the facilities that come under the jurisdiction of the long-term care ombudsman. It proposed to set forth requirements for shared staffing in assisted living programs, residential care facilities and long-term care facilities. It would have extended residents' rights laws to assisted living programs. It would have allowed year licenses

for congregate housing services programs. It proposed to require the State Board of Nursing to adopt rules allowing certified nursing assistants to work under the supervision of a registered professional nurse in a facility providing assisted living services.

3. Part C proposed to amend the provisions of law regarding the Maine Health and Higher Educational Facilities Authority Act to reflect the definition of assisted living adopted in the other provisions of the bill. It would have made changes that allow professional nurses to coordinate and oversee patient care services provided by unlicensed personnel.

4. Part D proposed to require the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the State Board of Nursing to develop recommendations for standardization of educational courses and utilization of unlicensed assistive personnel who administer medications in long-term care facilities. It would have required the Commissioner of Human Services to review laws and rules on residential care facilities and assisted living programs and to make recommendations for legislative changes. It also would have established a general effective date of January 1, 1997. The fire safety requirements would have taken effect on October 1, 1996. The provisions requiring reports to the Joint Standing Committee on Human Resources would have taken effect July 15, 1996.

Committee Amendment "A" (§44) is the Majority Report. It replaced the bill. It would have retained most of the provisions of the bill, with the following exceptions.

1. It would have deleted section A3, which was substantially similar to section-B, a technical change only.
2. It would have added definitions for mobile nonambulatory residents of residential care facilities and residential care.
3. It would have reorganized provisions on rulemaking, licensure, fees and fire safety for congregate housing services programs and residential care facilities.
4. It would have clarified that fire safety inspections apply to licensed congregate housing facilities.
5. It would have prohibited the Department of Human Services from instituting case mix reimbursement in residential care facilities until July 1, 1997, and would have required a report on the issue to the Joint Standing Committee on Human Resources by January 1, 1997.
6. It would have added an appropriation and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (§52) proposed to delete a set of quotation marks.

Enacted law summary

Public Law 1995, chapter 670 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". It makes 3 grammatical changes in the provisions for voting by absentee ballot. It repeals the statutory provisions on congregate housing for the elderly. It enacts a new chapter on assisted living programs, which may be offered in congregate housing or residential care settings and which may require a license depending on the type of assisted living services provided. The law requires the Commissioner of Human Services to adopt rules for

assisted living services programs in consultation with the long-term care ombudsman program, consumer representatives and providers of assisted living services programs.

The law reorganizes provisions on rulemaking, licensure, fees and fire safety for congregate housing services programs and residential care facilities.

The law adds assisted living facilities to the facilities that come under the jurisdiction of the long-term care ombudsman. A substantially similar provision was deleted from LD 1806, which was enacted as Public Law 1995, chapter 696, because this provision was included in this law.

The law clarifies that fire safety inspections apply to licensed congregate housing facilities.

The law requires the Commissioner of Human Services to review the laws and rules on residential care, long-term care and assisted living, including asset and income treatment and spousal support. It requires a report to the Joint Standing Committee on Human Resources by January 1, 1997.

By October 1, 1996 it requires the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the State Board of Nursing to report to the Joint Standing Committee on Human Resources on recommendations for standardization of educational courses and utilization of unlicensed assistive personnel who administer medications in long-term care facilities.

It prohibits the Department of Human Services from instituting case mix reimbursement in residential care facilities until July 1, 1997, and requires a report on the issue to the Joint Standing Committee on Human Resources by January 1, 1997.

It amends the definition of professional nursing to include coordination and oversight of patient care services by unlicensed assistive personnel. It requires the State Board of Nursing to adopt rules for the application of that provision to nursing practice. A substantially similar provision was deleted from LD 1806, which was enacted as Public Law 1995, chapter 696, because this provision was enacted in this law.

**LD 1863 An Act to Improve the Provisions of Mental Health
Services to Patients Residing in the Community**

INDEF PP

Sponsor(s)
LEMKE
TUTTLE

Committee Report
ONTP - unofficial vote. See text.

Amendments Adopted

LD 1863 proposed to ensure the proper treatment of patients in the community with serious mental illness or disorder by requiring that, prior to recommending discharge of a patient from a state institution, the Department of Mental Health and Mental Retardation prepare an individual plan that specifies that patient's needs, arrange for delivery of needed services and ensure that funds are available for the services. The plan would have been required to be signed by all agencies that would provide the services to the patient. This bill was never actually referred to committee. The Human Resources Committee heard the bill, having advertised it by LR number (LR3078) and worked it on March 13. The committee voted unanimously Ought Not to Pass. On March 29 the bill was indefinitely postponed, pending referral, in the House. On March 30 it received a similar vote in the Senate.

Sponsor(S)Committee ReportAmendments Adopted

(Bill was drafted in committee and reported directly to the floor of the House.)

LD 1875 is the result of the work of the Human Resources Committee in response to Private and Special Law 1995, chapter 51, which directed the committee to hold a hearing and report legislation by March 1, 1996. This bill proposed to direct the Department of Human Services to take steps to continue the use of the food stamp standard utility allowance for households receiving assistance under the food stamp program and the Low Income Home Energy Assistance Program. It would have directed the department to coordinate efforts with public entities and entities operating publicly subsidized assistance programs to examine options for continuing benefits and to apply for federal waivers to do so. It would have directed the department to report promptly to the Joint Standing Committee on Human Resources if it were to find itself unable to preserve the use of the food stamp standard utility allowance.

Enacted law summary

Public Law 1995, chapter 629, enacts the original bill. The bill was developed in committee and was therefore not heard after printing. The law directs the Department of Human Services to take steps to continue the use of the food stamp standard utility allowance for households receiving assistance under the food stamp program and the Low Income Home Energy Assistance Program. It directs the department to coordinate efforts with public entities and entities operating publicly subsidized assistance programs to examine options for continuing benefits and to apply for federal waivers to do so. It directs the department to report promptly to the Joint Standing Committee on Human Resources if it finds that it is unable to preserve the use of the food stamp standard utility allowance.

Public Law 1995, chapter 629 takes effect April 8, 1996.